HC-KAR

NC: 2026:KHC:65658
WP No. 34757 of 2026

CNR: KAHC010765042026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 34757 OF 2026 (GM-CPC)

BETWEEN:

1. HARISHA. K. R.
   AGED 35,
   S/O RAJENDRAN
   RESIDING SRINIVASAM
   E1/20, 5, 3RD FLOOR,
   SYNDICATE BANK COLONY, OMKAR NAGAR,
   BANNERUGHATTA MAIN ROAD
   AREKERE, BENGALURU -560076.

2. MR.SAI PRASAD
   AGED MAJOR,
   S/O NOT KNOWN TO THE PLAINTIFFS
   NO.6, 2ND FLOOR
   SYNDICATE BANK COLONY, OMKAR NAGAR,
   BANNERUGHATTA MAIN ROAD,
   AREKERE, BENGALURU -560076

...PETITIONERS

Digitally signed by VIJAYA P
Location: High Court of Karnataka

(BY SMT. NAGASHREE M. C., ADVOCATE)

AND:

1. ZIYU HOMES PRIVATE LIMITED
   OFFICE AT NO.2067/1 AND 2068/2
   2ND FLOOR, EAST END A MAIN ROAD
   JAYANAGAR 9TH BLOCK
   ABOVE ROYAL ENFIELD SHOWROOM
   BANGALORE 560069.

(IS REGISTERED FIRM UNDER
THE COMPANIES ACT)

ALSO AT BY CHIEF EXECUTIVE OFFICER
MR. AHMED ALI BIG
485, 1ST FLOOR, 8TH MAIN ROAD,
3RD BLOCK, HRBR LAYOUT
BENGALURU-560043.

2. ABHISHEK K L
AGED 36,
S/O DR. K C LAKSHMAIAH,
RESIDING AT NO.745
G.S SHIVARAUDRAPPA ROAD
G.P RAJARATHNA ROAD,
ANNAPURNASHWARA NAGAR
VISHWARAYALAYOUT 8TH STAGE
BAGALORE-560091.

3. DR. ASHWINI L.,
R/AT E-201, 3RD FLOOR
1ST CROSS, SYNDICATE BANK COLONY,
OMKAR NAGAR,
BANNERGHATTA MAIN ROAD,
AREKERE, BAGALORE-560091

…RESPONDENTS

(BY SMT. ARUNA BHAT, ADVOCATE FOR C/R2 & R3)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET-ASIDE THE ORDER DATED 23.09.2026 IN OS NO.3817/2024 BEFORE THE PRINCIPAL CITY CIVIL JUDGE AND SESSION JUDGE XXII ACC AND SJ BANGALORE CCH-7 ANNEXURE-E.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present petition is filed impugning the order dated 23.09.2026, whereby I.A. No.2, filed seeking permission to file the written statement belatedly, came to be rejected.

2. Learned counsel appearing for the petitioners submits that the suit was instituted seeking eviction and delivery of vacant possession of the suit schedule property. It is submitted that, though defendant Nos.2 and 3 entered appearance on 12.07.2024, they did not file their written statement in view of the pendency of another suit and the ongoing settlement negotiations between the parties.

2.1 It is further submitted that, unless an opportunity is granted to file the written statement, the petitioners would be deprived of their right to defend the suit, thereby causing them irreparable hardship.

3. *Per contra*, learned counsel appearing for the caveators/respondent Nos.2 and 3 submits that no reasons have been assigned to explain the delay of more than two and a half years in filing the written statement.

3.1 It is submitted that, in the absence of sufficient cause being shown for such delay, the mandatory outer limit of 120 days would apply, thereby disentitling the petitioners from filing the written statement beyond the prescribed period.

4. Considered the submissions made by counsel for the parties and perused the material on record.

5. The suit is one for eviction and recovery of possession. It is not in dispute that the petitioners entered appearance before the Trial Court on 12.07.2024, whereas the application seeking permission to file the written statement came to be filed only on 06.08.2026.

6. The affidavit accompanying the application is perused. No reasons are assigned therein to explain the circumstances which prevented the petitioners from filing their written statement within the time prescribed by law. It is merely stated that defendant No.2 had instituted another suit, which was pending before the Mediation Centre, and that, on that account, the written statement was not filed. However, neither the nature of the reliefs sought in the said suit nor the particulars

thereof, much less the manner in which the outcome of the said proceedings would have any bearing on the present suit, are set out in the application.

7. No doubt, in view of the law laid down by the Coordinate Bench of this Court in ***Basavaraj S. v. State of Karnataka*** **(W.P. No.8032/2026 and connected Matter,** dated **28.07.2026)**, the period of 120 days can be extended, provided reasonable grounds are made out and reasons are assigned for such extension. However, in the present case, the averments made in the application and the accompanying affidavit do not disclose sufficient cause warranting such extension.

8. In the absence of any reasonable grounds explaining the circumstances which prevented the petitioners from filing the written statement within the prescribed period of 120 days, acceding to such a request merely because it is made would defeat the very object underlying the prescription of the said limitation.

9. In that view of the matter, this Court finds no error or infirmity in the impugned order warranting interference in exercise of its writ jurisdiction.

Accordingly, the writ petition stands ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 2 Sl No.: 14